

BEFORE THE DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation )  
Against: )

QUENTIN ERD, M.D. )  
Certificate No. C-23540 )

No. D-4445 )

Respondent. )

DECISION

The attached Stipulation  
is hereby adopted by the Division of Medical Quality of the  
Medical Board of California as its Decision in the above-entitled  
matter.

This Decision shall become effective on July 5, 1991.

IT IS SO ORDERED June 5, 1991.

DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA



THERESA CLAASSEN  
Secretary/Treasurer

1 DANIEL E. LUNGREN, Attorney General  
of the State of California  
2 ALFREDO TERRAZAS  
Deputy Attorney General  
3 455 Golden Gate Avenue, Room 6200  
San Francisco, California 94102-3658  
4 Telephone: (415) 557-2515

5 Attorneys for Complainant

6  
7 BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
8 DIVISION OF MEDICAL QUALITY  
STATE OF CALIFORNIA  
9

10  
11 In the Matter of the Accusation )

12 Against: )

13 QUENTIN ERD, M.D. )  
592 Smokey Court )  
14 Campbell, California 95008 )  
Physician and Surgeon's )  
15 Certificate No. C-23540 )

16 Respondent. )

No. D-4445

STIPULATION AND WAIVER

17  
18 IT IS HEREBY STIPULATED by and between Quentin Erd,  
19 M.D., the respondent in this matter, by and through his attorney,  
20 Kenneth W. Robinson, Esq., and Kenneth J. Wagstaff, as Executive  
21 Director of the Medical Board of California, Department of  
22 Consumer Affairs, by and through his attorney, Alfredo Terrazas,  
23 Deputy Attorney General, that the following matters are true:

24 1. An Accusation is presently pending against Quentin  
25 Erd, M.D. (hereinafter referred to as the "respondent"),  
26 physician and surgeon's certificate number C-23540, before the

27 //

1 Medical Board of California of the State of California and said  
2 Accusation having been filed on or about February 5, 1991.

3 2. The complainant in said Accusation, Kenneth J.  
4 Wagstaff, is the Executive Director of the Medical Board of  
5 California and brought said Accusation in his official capacity.

6 3. Respondent has fully discussed with Kenneth W.  
7 Robinson, Esq. the charges contained in the above-mentioned  
8 Accusation, and in that connection, respondent has been fully  
9 advised regarding his rights in this matter.

10 4. That respondent hereby freely and voluntarily  
11 waives his right to a hearing on the charges and allegations  
12 contained in the above-mentioned Accusation in order to enter  
13 into this Stipulation and Waiver and that he further agrees to  
14 waive his right to reconsideration, judicial review, and any and  
15 all rights which may be accorded him by the Administrative  
16 Procedure Act and the laws of the State of California, except his  
17 right to petition for termination or modification of probation  
18 pursuant to Business and Professions Code section 2307 and  
19 Government Code section 11522.

20 5. All admissions of fact and conclusions of law  
21 contained in this Stipulation are made exclusively for this  
22 proceeding and any future proceedings between the Medical Board  
23 of California and the respondent and shall not be deemed to be  
24 admissions for any purpose in any other administrative, civil or  
25 criminal action, forum or proceeding.

26 6. That the respondent's license history and status as  
27 set forth at paragraph 2 of the Accusation are true and correct

1 and that the respondent's address of record is as set forth in  
2 the caption of this Stipulation and Waiver. (A copy of  
3 Accusation Number D-4445 is attached hereto as Exhibit A).

4           7. For purposes of the settlement of the action  
5 pending against respondent in case No. D-4445, and, to avoid a  
6 lengthy administrative hearing that would impose severe economic  
7 hardship upon respondent, respondent admits that there is a  
8 factual and legal basis for the imposition of discipline pursuant  
9 to 2234 (General Unprofessional Conduct) and 2236(a) and (b)  
10 (Conviction of a crime substantially related to the  
11 qualifications, functions, or duties as a physician and surgeon)  
12 based on the allegations charged in the first cause for  
13 disciplinary action of the Accusation.

14           8. That it is understood by all parties hereto that by  
15 virtue of the foregoing recitals:

16           IT IS HEREBY STIPULATED AND AGREED that the Medical  
17 Board of California, upon its approval of the Stipulation and  
18 Waiver herein set forth, may, without further notice, prepare a  
19 decision and enter the following order, whereby the Physician and  
20 Surgeon's Certificate No. C-23540, heretofore issued to  
21 respondent by the Medical Board of California, is hereby revoked,  
22 PROVIDED HOWEVER, that execution of this order of revocation is  
23 stayed, and respondent is placed on probation for a period of  
24 five years, upon the following terms and conditions:

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1           9. Upon full compliance with all the terms and  
2 conditions hereof, and the expiration of five years from the  
3 effective date of this decision, this stay shall become  
4 permanent, and respondent's certificate shall be fully restored.  
5 If respondent violates or fails to comply with any of the terms  
6 and conditions of this stay, the Board, after notice and  
7 opportunity to be heard, may in the exercise of its discretion  
8 vacate this stay and reimpose the revocation or take such other  
9 action as it deems reasonable. If an accusation or petition to  
10 revoke probation is filed against respondent during probation,  
11 the Division shall have continuing jurisdiction until the matter  
12 is final.

13           10. IT IS FURTHER STIPULATED AND AGREED that the terms  
14 set forth herein shall be null and void, and in no way binding  
15 upon the parties hereto, unless and until accepted by the Medical  
16 Board of California of the State of California.

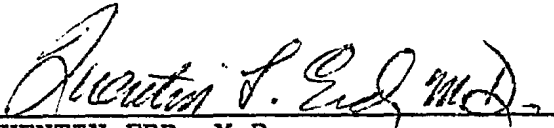
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18 DATED: April 9, 1991

DANIEL E. LUNGREN  
Attorney General of the  
State of California


Alfredo Terrazas  
ALFREDO TERRAZAS  
Deputy Attorney General

Attorneys for Complainant

1 I hereby certify that I have read this Stipulation and  
2 Agreement in its entirety, that I fully understand all of same,  
3 and in witness thereof, I affix my signature this 12th day of  
4 April, 1991 at San Jose,  
5 California.

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8 QUENTIN ERD, M.D.  
Respondent

9  
10 DATED: April 16, 1991

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12 KENNETH W. ROBINSON, Esq.  
13 Attorney for Respondent  
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# **EXHIBIT A**



*Daniel E. Longes*

1 JOHN K. VAN DE KAMP, Attorney General  
of the State of California  
2 MARA FAUST  
Deputy Attorney General  
3 455 Golden Gate Avenue, Suite 6200  
San Francisco, CA 94102-3658  
4 Telephone: (415) 557-7027

5 Attorneys for Complainant

6  
7 BEFORE THE MEDICAL BOARD OF CALIFORNIA  
DIVISION OF MEDICAL QUALITY  
8 STATE OF CALIFORNIA  
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10 In the Matter of the Accusation	)	
Against:	)	NO. D-4445
11	)	
12 QUENTIN ERD, M.D.	)	<u>ACCUSATION</u>
592 Smokey Court	)	
Campbell, CA 95008	)	
13 Certificate No. C23540	)	
14	)	
Respondent.	)	

15  
16 Complainant, Kenneth J. Wagstaff, charges and alleges  
17 as follows:

18 1. He is the Executive Director of the Medical Board  
19 of California (hereinafter "the Board") and makes these charges  
20 and allegations solely in his official capacity.

21 2. On or about October 17, 1961, the Board issued to  
22 respondent Quentin Erd, M.D. (hereinafter "respondent") physician  
23 and surgeon certificate number C23540. Said certificate has  
24 continued in full force and effect at all times material hereto  
25 and has been renewed through October 31, 1991.

26 3. Business and Professions Code sections 2220 and  
27 2227 provide that the Division of Medical Quality of the Board

(hereinafter "the Division") may take specified disciplinary action against physician and surgeon certificate holders who have been found guilty of violating any provisions of the Medical Practice Act (Business and Professions Code section 2000 ff.).

4. Business and Professions Code section 2234 requires the Division to take disciplinary action against any licensee who is guilty of unprofessional conduct.

5. Business and Professions Code section 726 provides that the commission of any act of sexual abuse, misconduct, or relations with a patient, which is substantially related to the qualifications, functions and duties of a physician and surgeon constitutes unprofessional conduct and grounds for disciplinary action for a physician and surgeon.

6. Business and Professions Code section 2236(a) provides that the conviction of any offense substantially related to the qualifications, functions, or duties of a physician and surgeon constitutes unprofessional conduct.

7. Business and Professions Code section 2236(b) provides that the division may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if such conviction is of an offense substantially related to the qualifications, functions, or duties of a physician and surgeon. A conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions, or duties of a physician and surgeon is deemed to be a conviction within the meaning of this section.

1                                    FIRST CAUSE FOR DISCIPLINARY ACTION

2                    8.    On or about May 7, 1990, respondent was convicted  
3 by nolo contendere plea in the San Mateo County Municipal Court,  
4 Case No. CRMN 196196, of a violation of Penal Code section 242  
5 (battery). The factual circumstances underlying the conviction  
6 involved respondent's kissing, embracing and fondling, L.H.,<sup>1/</sup> a  
7 female patient, during the course of an examination in the Redi  
8 Care clinic, at 1643 Rollins Road, Burlingame, California, where  
9 respondent worked. Pursuant to said conviction, respondent was  
10 placed on one year's court probation and fined \$150 plus \$202.50  
11 assessment.

12                    9.    The facts set forth in paragraph 8 establish that  
13 cause for disciplinary action against respondent's physician and  
14 surgeon's license exists under Business and Professions Code  
15 section 2236(a) in that respondent suffered a conviction of a  
16 crime substantially related to the qualifications, functions, or  
17 duties of a physician and surgeon.

18                                    SECOND CAUSE FOR DISCIPLINARY ACTION

19                    10.   On or about January 24, 1990, respondent kissed,  
20 embraced and fondled, L. H., a female patient during the course  
21 of an examination, in the Redi Care clinic where respondent  
22 worked.

23                    11.   Respondent's conduct as set forth above  
24 constitutes sexual abuse, misconduct or relations with a patient  
25 and therefore cause for disciplinary action exists pursuant to  
26

27                    1.    The identification of patient L.H. will be revealed  
pursuant to discovery procedures set forth in Government Code  
section 11057.6.

1 Business and Professions Code section 726.

2 WHEREFORE, complainant prays that the Board hold a  
3 hearing on the charges and allegations herein and thereafter  
4 issue an order revoking or suspending Certificate No. C23540,  
5 heretofore issued to respondent Quentin Erd, M.D., and taking  
6 such other and further action as is deemed necessary and proper.

7 DATED: February 5, 1991

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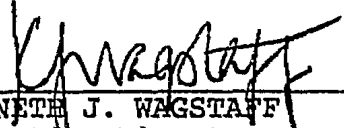
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KENNETH J. WAGSTAFF  
Executive Director  
Medical Board of California  
State of California

Complainant